

REMARKS

Claims 5, 11, 13, 15, 17 and 18 are presently pending. Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claim Rejections

Claims 5, 11, 13, 15, 17 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 09/609,651 (Lin, et al.)

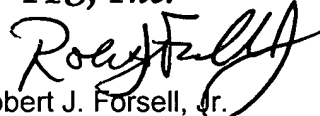
A terminal disclaimer will be submitted after claims 5, 11, 13, 15, 17 and 18 have been reconsidered and placed in condition for allowance. Applicant must emphasize that, according to MPEP 804.02, "the filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection, *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991)," and that "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Should the Examiner feel that further discussion of the application and the Amendment is conducive to prosecution and allowance thereof, please do not hesitate to contact the undersigned at the address and telephone number listed below.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper may be charged to Deposit Account No. 50-2394.

Respectfully submitted,

IPS, Inc.



Robert J. Forsell, Jr.
Reg. No. 51,693

Customer No. **34003**
5717 Colfax Avenue
Alexandria, VA 22311
Tel: (703) 379-9625
Fax: (703) 379-9628
RJF/km